

House Bill 946

By: Representatives Drenner of the 86th, McCall of the 30th, Lunsford of the 110th, Henson of the 87th, Benfield of the 85th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to general provisions relative to buildings and other structures generally, so as to change certain provisions relating to requirements for toilets, shower heads, and faucets; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to general provisions relative to buildings and other structures generally, is amended by striking Code Section 8-2-3, relating to requirements for toilets, shower heads, and faucets, and inserting in lieu thereof the following:

"8-2-3.

(a) As used in this Code section, the term:

(1) 'Commercial' means any type of building other than residential.

(2) 'Construction' means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

(2.1) 'Disposition' or 'dispose of' has the meaning provided by paragraph (7) of Code Section 44-3-2.

(2.2) 'District area' has the meaning provided by paragraph (4) of Code Section 12-5-573.

(3) 'Residential' means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

(b) After April 1, 1992, there shall not be initiated within this state the construction of any residential building of any type which:

(1) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992;

(2) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;

(3) Employs a urinal that uses more than an average of 1.0 gallon of water per flush;

(4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

(5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(c) On and after July 1, 1992, there shall not be initiated within this state the construction of any commercial building of any type which does not meet the requirements of paragraphs (1) through (5) of subsection (b) of this Code section.

(d) The requirements of subsection (b) of this Code section shall apply to any residential construction initiated after April 1, 1992, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes the replacement of toilets or showers or both.

(d.1)(1) On and after January 1, 2009, no person shall dispose of any residential or commercial building located within the district area if such building is of any type which:

(A) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush;

(B) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;

(C) Employs a urinal that uses more than an average of 1.0 gallon of water per flush;

(D) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

(E) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(2) Paragraph (1) of this subsection shall not apply to any disposition of a residential or commercial building located in the district area the contract for which was entered into prior to January 1, 2009.

(e) Counties and municipalities are authorized and directed to provide by ordinance for an exemption to the requirements of subsections (b), ~~(c), and (d)~~ through (d.1) of this Code section, relative to new construction and to the repair or renovation of an existing building or to the disposition of an existing building, under the following conditions:

(1) When the repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or shower heads within such existing building;

(2) When such plumbing or sewage system within such existing building, because of its capacity, design, or installation, would not function properly if the toilets, faucets, or shower heads required by this part were installed;

(3) When such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

(4) When units to be installed are:

(A) Specifically designed for use by persons with disabilities;

(B) Specifically designed to withstand unusual abuse or installation in a penal institution; or

(C) Toilets for juveniles.

(f) The ordinances adopted by counties and municipalities pursuant to subsection (e) of this Code section shall provide procedures and requirements to apply for the exemption authorized by said subsection.

(g) This Code section shall not apply to any construction of a residential building the contract for which was entered into prior to April 1, 1992, and shall not apply to any construction of a commercial building the contract for which was entered into prior to July 1, 1992.

(h) Any person who installs any toilet, faucet, urinal, or shower head or disposes of a residential or commercial building in violation of this Code section shall be guilty of a misdemeanor.

(i) Before ~~April 1, 1992~~ January 1, 2009, a city, county, or authority shall adopt and on and after such date shall enforce the provisions of this Code section in order to be eligible to receive any of the following grants, loans, or permits:

(1) A water or waste-water facilities grant administered by the Department of Natural Resources or the Department of Community Affairs; or

(2) A water or waste-water facilities loan administered by the Georgia Environmental Facilities Authority.

(j) For purposes of this part, after April 1, 1992, the sale of a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush shall be prohibited.

(k) The provisions of this Code section shall not be construed to prohibit counties or municipalities from adopting and enforcing local ordinances which provide requirements which are more stringent than the requirements of this Code section."

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- SECTION 2.**

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- All laws and parts of laws in conflict with this Act are repealed.